

refusing to arrest United States Magistrate Judges Gossett and West pursuant to Plaintiff's "criminal complaint," which he filed in *Abebe v. Green, et al.*, C/A No. 5:11-2750-RMG-KDW (D.S.C.), and which Plaintiff alleges he did not intend as an amendment to his civil complaint in that case. Pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) D.S.C., this case was assigned to United States Magistrate Judge West for initial review.

By Order dated January 24, 2013, ECF No. 9, Plaintiff was instructed to (1) either pay the \$350 filing fee for this case or submit a properly completed Application to Proceed Without Prepayment of Fees and Affidavit with Financial Certificate, (2) submit service documents for the Defendant, and (3) submit a completed and signed state prisoner complaint form which more fully states the facts of Plaintiff's claim and the relief he requests. This information and these documents are required by this Court's standing order, *In Re: Procedures in Civil Actions Filed by Prisoner Pro Se Litigants*, 3:07-mc-5014-JFA (D.S.C. Sept. 18, 2007), to bring the case into proper form for evaluation and possible service of process. See ECF No. 9, p. 1-2. Magistrate Judge West warned Plaintiff that failure to provide the necessary information and documents within the timetable set forth in the Order would subject the case to dismissal. *Id* at p. 1.

The Order was mailed to Plaintiff, in an envelope listing Plaintiff's SCDC ID number, *i.e.* 285447, at the address Plaintiff provided to the Court, which is the correct address for PCI, *i.e.* 430 Oaklawn Road, Pelzer, South Carolina 29669. Plaintiff failed to respond to the Order, and the time for responding lapsed on February 19, 2013. The mail in which the Order was sent to Plaintiff has not been returned to the Court. Thus, the Court presumes that Plaintiff received the Order, but has neglected to comply with it within the

time permitted under the Order. Plaintiff's lack of response to the Order indicates an intent to discontinue prosecuting this case and subjects this case to dismissal.

It is therefore **ORDERED** that this case is **DISMISSED**, without prejudice, pursuant to Rule 41 of the Federal Rules of Civil Procedure. See *Link v. Wabash Railroad Company*, 370 U.S. 626 (1962).

IT IS SO ORDERED.

February 28, 2013
Charleston, South Carolina

A handwritten signature in black ink, appearing to read 'D. Norton', written over a horizontal line.

David C. Norton
United States District Judge

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.